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OFFICE OF PETITIONS

In re Application of
Johan LaMotte, et al.
Application No. 10/736,926
Filed: December 16, 2003
Atty Docket No. 27500-192

ON PETITION

This is a decision on the petition styled "Petition to Accept Unintentionally Delayed Response In An Abandoned Application (37 CFR 1.378b), filed October 14, 2004, which is being treated as a petition under 37 CFR 1.137(b) to revive the above-identified application.


The application became abandoned for failure to timely respond to a Notice to File Corrected Application Papers mailed April 2, 2004. The notice set a period of response of TWO MONTHS and required substitute drawings in compliance with 37 CFR 1.84 and 37 CFR 1.21. On October 14, 2004, the present petition was filed.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The petition is **GRANTED**.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further review of the drawings provided on October 14, 2004.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy